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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

| | |
|------------------------|--|
| Proceeding | 91200444 |
| Party | Defendant Dropbox, Inc. |
| Correspondence Address | JOHN L SLAFSKY WILSON SONSINI GOODRICH & ROSATI 650 PAGE MILL ROAD PALO ALTO, CA 94304-1050 UNITED STATES trademarks@wsgr.com, ckahn@wsgr.com |
| Submission | Opposition/Response to Motion |
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| Signature | /John L. Slafsky/ |
| Date | 09/26/2011 |
| Attachments | Applicant Response to Request for Suspension.pdf (3 pages)(90801 bytes) |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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|------------------------------|---|-------------------------|
| OFFICEWARE CORPORATION d/b/a |) | Opposition No: 91200444 |
| FILESANYWHERE.COM, |) | |
| |) | |
| Opposer, |) | APPLICANT’S RESPONSE TO |
| |) | REQUEST FOR SUSPENSION |
| v. |) | |
| |) | |
| DROPBOX, INC., |) | Serial No. 77817716 |
| |) | |
| Applicant. |) | |
| |) | |
| |) | |

On September 23, 2011, (i) Officeware Corporation d/b/a/ FilesAnywhere.com (“Opposer”) filed a request that the Board suspend this Opposition pending disposition of litigation in the United States District Court for the Northern District of Texas and (ii) Applicant Dropbox, Inc. (“Dropbox”) moved to consolidate this Opposition with Opposition Nos. 91200450 and 91201367. Dropbox’s Motion to Consolidate has been filed in all three opposition proceedings.

In sum, in its Motion to Consolidate, Dropbox highlights that the three proceedings involve common questions of fact and law because all three proceedings involve similar challenges to Dropbox’s federal intent-to-use trademark application for the mark DROPBOX: the three opposers each allege superior rights to the mark DROPBOX (asserting conflicting priority dates) and claim likelihood of confusion, and, in each of the three proceedings, Dropbox denies the opposers’ substantive allegations and asserts affirmative defenses of laches, waiver, acquiescence, and estoppel. Dropbox contends that consolidation would save judicial resources and avert the risk of inconsistent results. In its Motion, Dropbox respectfully requests that the Board suspend each proceeding pending disposition of its Motion to Consolidate.

For the same reasons, Dropbox hereby requests that the Board defer its decision on Opposer's Request for Suspension until after the Board has ruled on Dropbox's Motion to Consolidate. The question of consolidation is fundamental and should be considered initially before addressing other procedural issues in this proceeding. Moreover, deferring Opposer's Request for Suspension will not prejudice either Opposer or Dropbox. Should the Board look favorably on Dropbox's own request for suspension, the proceedings would be initially suspended and the Board would be free to later revisit Opposer's Request for Suspension without prejudicing the parties.

Respectfully submitted,

Dated: September 26, 2011

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

By: /John L. Slafsky/
John L. Slafsky
Evan M. W. Stern

Attorneys for Applicant
DROPBOX, INC.

CERTIFICATE OF SERVICE BY MAIL

I, Elvira Minjarez, declare:

I am employed in Santa Clara County. I am over the age of 18 years and not a party to the within action. My business address is Wilson Sonsini Goodrich & Rosati, 650 Page Mill Road, Palo Alto, California 94304-1050.

I am readily familiar with Wilson Sonsini Goodrich & Rosati's practice for collection and processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, correspondence would be deposited with the United States Postal Service on this date.

On this date, I served this **RESPONSE TO REQUEST FOR SUSPENSION** on each person listed below, by placing the document described above in an envelope addressed as indicated below, which I sealed. I placed the envelope for collection and mailing with the United States Postal Service on this day, following ordinary business practices at Wilson Sonsini Goodrich & Rosati.

Justin S. Cohen
Thompson & Knight LLP
1722 Routh Street, Suite 1500
Dallas, TX 75201

I declare under penalty of perjury that the foregoing is true and correct. Executed at Palo Alto, California on September 26, 2011.

/Elvira Minjarez/
Elvira Minjarez